

EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NET JUMPER SOFTWARE, L.L.C.,
a Michigan limited liability
corporation,

Case 2:04-cv-70366-JAC-RSW Document 54-12 Filed 09/27/2005 Page 2 of 20
Plaintiff, Civil Action No. 04-70366-CV
Hon. Julian Abele Cook

vs.

Magistrate Judge R. Steven Whalen
GOOGLE INC.,
a Delaware corporation,

Defendant.

/

DEPOSITION OF JOSEPH HARDIN

The Deposition of JOSEPH HARDIN taken before Eileen S. Higer, Notary Public in the County of Oakland, in the above-entitled cause on Friday, September 16, 2005, at 2000 Town Center, Suite 900, Southfield, Michigan, commencing at about 8:00 a.m.

APPEARANCES:

For the Plaintiff GARY HOOD, ESQUIRE
Net Jumper Software WILLIAM F. WARD, ESQUIRE
for: MICHAEL H. BANIAK, ESQUIRE
Baniak, Pine & Gannon
150 North Wacker Drive, Suite 1200 Chicago,
Illinois 60606

For the Defendant JASON W. WOLFF, ESQUIRE
Google, Inc. Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130-2081

Reported by: Eileen Higer (CSMR 5018)
Lori Caretti & Associates (568) 415-9008

2 I N

D E X

PAGE :

WITNESS:

JOSEPH HARDIN

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Examination by Mr. Wolf 164

EXHIBITS:

1 understanding of the content of that history? In other
2 words if a court rules is it something that I have to say,
3 okay in contradiction to my understanding and my reading

4 of the rest of this -- these documents, I'll have to use
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5 that in drawing my conclusions?

6 Q I can't give you advice. You'll probably want to talk to
7 counsel about that, but let's assume that's what the law
8 said. That you had to use --

9 MR. WOLFF: Object to form. You can answer

10 the question. I think that that is what you said he's

11 saying, is that he's saying okay, so the court said that

12 within these four corners that is the thing. Are those

13 buttons separate from the -- from what the court has

14 construed that element to be, and even though it

15 contradicts everything you read in the thing, and your
16 the basis of your opinion, if you just say that that is in

17 fact the case are those -- Counsel, you ask the question.

I don't want to ask my own witness the question.

18

MR. HOOD: That's what I tried to say. Yeah.

19

THE WITNESS: I think I'm understanding it 20
now. And if you want to ask the question again I'll

21

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answer it.

22

MR. HOOD: Yeah, let me do that.

23

BY MR. HOOD:

24

Q Assuming that the court were to say, Professor, that the
25

1 page display as you've defined it in tab C to your
2 declaration were the search window, as that term is used
3

4 in the claims of the '172 patent, would it still be your
5

6 Case 2:04-cv-70366-JAC-RSW Document 54-12 Filed 09/27/2005 Page 7 of
7 opinion that the Next & Previous buttons were not
8

9 separately displayed from the search window?
10

11 MR. WOLFF: Object to form with all the
12

13 caveats the witness had previously testified. Go ahead
14

15 and answer the question.
16

17 THE WITNESS: Yeah. If that was an absolute
18
19 statement and -- then I would have to conclude that the
20
21 Next & Previous buttons as they're displayed in Exhibit C
22
23 would be separate from the display page.
24

25 BY MR. HOOD:
26

27 Q They would be separately displayed from the display page,
28
29 correct?
30

31 A Yes.
32

1 move around in that and investigate that space in that
2 fashion.

3 Q How would a user navigate using CyberPilot?

4 A Case 2:04-cv-70366-JAC-RSW Document 54-12 Filed 09/27/2005 Page 8 of
In a similar fashion. In the distinction in the case of

5 CyberPilot would be that if I knew a starting point, for

6 instance, that I wanted to go to, I would be able to type

7 that into a form window, a URL window and use that as the

8 starting point for my search.

9 Q Is there any way in which a user of CyberPilot could enter

10 a search query, a number of search terms, not a URL but a

11 search query and actually search a network, a computer

12 network?

13

MR. WOLFF: Object to form. Calls for a

14

narrative.

15

THE WITNESS: Not to my knowledge.

16

BY MR. HOOD:

17 Q Turning, Professor, to Exhibit D to your declaration,
18 particularly the second page there. Does this particular
19 page, Exhibit D to your declaration show what you consider
20 [Case 2:04-cv-70366-JAC-RSW Document 54-12 Filed 09/27/2005 Page 9 of 10](#)
21 of the '172 patent?
22
23 A Here it is labeled as the browser window, and the answer
24 is yes.
25 Q Browser window 400 --
A Yes.